

REMARKS

This Amendment is being filed in response to the Final Office Action mailed February 25, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-5 and 7-12 remain in this application, where claims 3 and 6 have been canceled without prejudice. Claims 1, 8 and 12 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct a certain informality.

By means of the present amendment, claims 1-2, 4-5 and 8-12 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The', and changing "characterized in that" to --wherein--. Such amendments to claims 1-2, 4-5 and 8-12 were not made in order to address

issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the drawings for allegedly not showing every feature of the invention specified in claim 3. This rejection is respectfully traversed. However, to advance prosecution, claim 3 has been canceled without prejudice. The cancellation of claim 3 renders moot the objected to the drawings.

In the Office Action, claim 12 is rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. However, to advance prosecution, claim 12 has been amended for better clarity. It is respectfully submitted that this rejection of claim 12 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Office Action, the Examiner indicated that claim 12 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. §112, second paragraph. Applicants gratefully acknowledge the indication that claim 12 contains patentable subject matter. As noted above, the rejection to claim

12 under 35 U.S.C. §112, second paragraphs have been overcome. Further, claim 12 has been rewritten in independent form. Accordingly, it is respectfully submitted that claim 12 is in allowable form, and allowance thereof is respectfully requested.

In the Office Action, claims 1-2, 4 and 6-8 are rejected under 35 U.S.C §102(e) over U.S. Patent No. 7,453,509 (Losehand). Further, claim 3 is rejected under 35 U.S.C §103(a) over Losehand in view of U.S. Patent No. 5,673,083 (Izumi). Claims 5-6 are rejected under 35 U.S.C §103(a) over Losehand in view of U.S. Patent No. 6,795,120 (Takagi). Claims 9-11 are rejected under 35 U.S.C §103(a) over Losehand in view of U.S. Patent Application Publication No. 2006/0027740 (Glenn). Applicants respectfully traverse and submit that claims 1-2, 4-5 and 7-11 are patentable over Losehand, Izumi, Takagi and Glenn for at least the following reasons.

Losehand is directed to digital camera with a transparent core disposed between a lens and a light-sensitive sensor. As shown throughout the figures, such as FIG 3, a single lens 33 protrudes from the camera.

It is respectfully submitted that Losehand does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 8 which, amongst other patentable elements, recites (illustrative emphasis provided):

a housing containing a solid-state image sensor with a radiation-sensitive surface, a first optical element located above the solid-state sensor and the housing forming a shield against laterally scattered radiation to protect the radiation-sensitive surface, a second optical element located between the first optical element and the solid-state sensor, and a spacer between the first optical element and the second optical element, the second optical element having a lens located above the radiation-sensitive surface, wherein the spacer is located adjacent the lens for supporting the first optical element.

These features are nowhere taught or suggested Losehand does not even disclose or suggest a second optical element, let alone disclosing or suggesting "a spacer between the first optical element and the second optical element," as recited in independent claim 1 and 8. Rather, Losehand merely discloses a camera having a single lens 33. Izumi, Takagi and Glenn are cited to allegedly show other features and do not remedy the deficiencies Losehand.

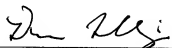
Accordingly, it is respectfully submitted that independent

claims 1 and 8 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-5, 7 and 9-11 should also be allowed at least based on their dependence from independent claims 1 and 8.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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